

COMMITTEE REPORT

Date: 9 February 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 11/03428/FUL
Application at: The Little Mill Shop 20 Shambles York YO1 7LZ
For: Change of use from retail (use class A1) to mixed use retail and cafe (use class A1 and A3).
By: Miss Katie Pask
Application Type: Full Application
Target Date: 13 March 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to 20 Shambles which is a grade 2 listed building of C18 origin. The building was originally a house; it is 3-storey with basement and has a rear extension added in the 1970's. The Shambles is a protected primary shopping street in the Local Plan.

1.2 The premises was last in retail use, with a storeroom on the top floor. The application is to allow a mixed use, with retail at ground floor level, with a cafe on the first floor, and front room on the top floor. The main retail offer would be furniture, arts, crafts, home goods and baking and the intention is that there would be a connection between the decor, the retail and cafe uses.

1.3 On the second floor it is proposed to add a second w/c in the back room using existing soil pipes etc and there would be a kitchen/preparation area, with a dishwasher and sink installed. There would not be sales of hot food and no cooking equipment/ventilation would be required. The companion application for listed building consent is 11/03429/LBC.

1.4 The applications come to committee as the applicants are council employees.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area
Conservation Area GMS Constraints: Central Historic Core
Listed Buildings: Grade 2;19, 20 & 21 Shambles York

2.2 Policies:

CYS4	Protected primary shopping streets
CYS6	Control of food and drink (A3) uses
CYHE3	Conservation Areas
CYHE4	Listed Buildings

3.0 CONSULTATIONS

Guildhall Planning Panel

3.1 Any comments will be reported verbally at the meeting.

Publicity

3.2 An objection has been made from the Council's Property Services Section. Although this is not a Council owned building there is concern that the proposed cafe conflicts with Local Plan policy S4 which requires only retail uses in the Shambles. The scheme would conflict with the manner in which the Council have managed their premises within the street. At least 2 premises have been asked to remove tables and chairs from customer areas, and seating is avoided also in the interests of fire safety. Officers are concerned that allowing this application would set a precedent, and lead to further demand to diversify premises in the street.

4.0 APPRAISAL

4.1 Key Issues

- Impact on the primary shopping character of the street
- Impacts on the listed building
- Amenity of surrounding occupants

Impact on the primary shopping character of the street

4.2 Policy S4 of the Local Plan explicitly states that non-retail uses will not be granted in the street. This is because the Shambles is deemed to be of unique character and appearance, with many speciality shops, which contribute to this character.

4.3 The proposed use would be a mix of retail and cafe. The ground floor area would be dedicated to retail sales. Although the use would be mixed, the applicants in this case have demonstrated that the intended use would allow full enjoyment of the listed building and have a unique character which would fit with the desired character of the street, which contains independent/speciality shops. Retail use only at the ground floor could be secured through condition. This would be consistent

with the approach taken at other premises at Shambles and Stonegate where policy S4 applies and cafe areas have been allowed on the upper floor(s) of buildings.

Amenity of surrounding occupants

4.4 Policy S6 applies when a change of use to cafe is proposed. The scheme does not conflict with S6 as it is not proposed to cook food on-site, and thus there would not be cooking smells or odour that would affect amenity. Proposed opening hours are between 10:00 and 18:00, which would not lead to disturbance in a commercial street. Given the proposed cafe on the upper floors it is deemed reasonable, in the interests of amenity, to restrict the opening hours to between 07:00 and 23:00.

Impacts on the listed building

4.5 Policy HE4 of the Local Plan seeks to avoid harm to the historic and architectural interest of listed buildings. National policy within PPS5 advises that alterations to listed buildings must be justified and any harmful alterations may only be permitted where there are 'heritage benefits' which outweigh the identified harm.

4.6 Overall the scheme would be welcome in that it would bring the building into full use and make it accessible to the public. Such changes are recognised heritage benefits, they are in the interests of the viability and health of the building, and enhance the public's enjoyment of the space.

4.7 Only minor works are required to install kitchen appliances and a further w/c in areas already affected by such C20 installations. These works are justified, to provide desirable modern facilities in the building, and there would be no undue impact on historic fabric.

5.0 CONCLUSION

5.1 The proposed use is deemed to be acceptable as although it would not retain the building entirely in retail use, the mixed use would fit with the independent and speciality nature that epitomises the character of the street, which Local Plan policy S4 seeks to preserve and enhance, and the historic character of the building would not be unduly harmed.

5.2 Conditions are recommended to ensure the retail space is retained at ground floor level and that no cooking or processing of food on-site that would necessitate the need for any extraction/ventilation equipment occurs. The opening hours will also be restricted.

5.3 The statutory publicity period ends on 15 February 2012 and authority is sought from Members to approve the application at the end of the period. If any objections are received approval would be in consultation with the Chair and Vice-Chair.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved Plans - drawing P2, revised on 25.1.2012

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The ground floor of the premises shall not be used for cafe or restaurant use.

Reason: For the avoidance of doubt and to ensure that the development maintains the retail character of the Shambles, in accordance with Local Plan policy S4: Protected Primary Shopping Streets.

4 There shall be no primary cooking or preparation of food on-site that would lead to the requirement for any kitchen extraction or ventilation outlets.

Reason: To protect the retail character of the street and to avoid an adverse impact on the historic and architectural importance of the listed building.

5 The premises shall only operate between the hours of 07:00 and 23:00 each day of the week.

Reason: In the interests of the amenities of surrounding occupants, given that it is proposed to have a cafe on the upper floors.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the unique historic and retail character of the street, amenity and the architectural and historic importance of the listed building. As such the proposal complies with Policies S4, S6 and HE4 of the City of York Development Control Local Plan.

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